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TECHNOLOGY CENTER R3700

Attorney  
Docket No.: AMS-057

3732  
#15h  
12-30-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hauschild et al.

Group Art Unit: 3732

Serial No.: 10/075,031

Filed: February 12, 2002

Examiner: Michael B. Priddy

For: Stent Retrieval Device and Method

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on:

December 10, 2003

Date

*Linda K. Newton*  
Signature - Linda K. Newton

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed December 2, 2003. The Office Action restricted this case and identified the following inventions:

- I. Claims 1-14, and
- II. Claims 15-20.

Page 3, lines 7-11 of the Office Action stated:

Claim 15 is generic . . . . Applicant is required . . . to elect a single disclosed species, even though this requirement is traversed.

However, the Office Action did not identify any species (e.g. Figures), thus applicants traverse the election of species requirement in this case. Applicants respectfully request clarification of the election of species requirement.

Applicants herein elect Group 1, identified as corresponding to claims 1-14, with traverse. The restriction requirement will require applicants to file at least one additional application in order to have all claims considered. This will require additional filing, prosecution and maintenance fees should the additional application(s) be granted. This represents a substantial burden to the owners of the present application. Applicants respectfully

submit that the public would be better served if the restriction and election of species requirements were withdrawn, as the cost of seeking patent protection would be less, at least for applicant.

Since the invention of Group I was chosen, it is believed that the Office Action did not require an election of species for that group. Further, since the office action did not identify any species, applicants do not believe it is necessary to elect a species in this response.

This response is being filed within one month of the Restriction. There is no fee believed due for this response. If this is in error, please charge any fee required for the submission of this Response to Deposit Account No 501921.

Examination and consideration of the application is requested.

Registration Number 34,109	Telephone Number 952-930-6135
Date December 10, 2003	

Respectfully submitted,

By

  
Jeffrey J. Hohenshell

**AMS Research Corporation**  
**10700 Bren Road West**  
**Minnetonka, Minnesota 55343**  
**952 930 6135**